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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,213	08/22/2001	Uzi Lev-Ami	EQPN 1001-1	9729
22470	7590	10/20/2004	EXAMINER	
HAYNES BEFFEL & WOLFELD LLP			SUAZO, RAINIER A	
P O BOX 366			ART UNIT	PAPER NUMBER
HALF MOON BAY, CA 94019			2144	

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/935,213	Applicant(s) LEV-AMI ET AL.	
	Examiner Rainier Suazo	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **1** MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-28 (Group I and 29-53 (Group II)) are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-28, drawn to a method of making accessible context-sensitive data reported by a tool to a tool host including steps for providing a removable listening device to monitor a wired communications channel between one or more tool hosts and one or more tools; recording report and report trigger definitions sent by the tool hosts to the tools; matching a first triggered report from the tools with the report and report trigger definitions to generate a first context-insensitive report before processing a second triggered report; outputting the first context-insensitive report in a field tagged format., classified in class 709, subclass 246.
- II. Claims 29-53, drawn to a method of migrating one or more processes from a tool control host in communication with one or more tools to one or more distributed processors, the method including: providing one or more intercept devices including logic to retain tool status information from one or more tools and to retain pending requests for tool status information from one or more tool control hosts, said intercept device positioned between and in communication with the tool control hosts and the tools; moving one or more processes from the tool control hosts to one or more distributed processors, said distributed processors in communication with the intercept device; routing requests for tool status information from the

tool control hosts and the distributed processors to the intercept device; and satisfying the requests for tool status information using the retained tool status information, the retained pending requests for tool status information, and one or more new requests from the intercept device to the tools for otherwise unavailable tool status information; claims 39-53 share similar limitation with claims 29-28 particularly satisfying the requests for tool status information using the retained tool status information, the retained pending requests for tool status information, and one or more new requests from the intercept device to the tools for otherwise unavailable tool (or the external sensors) status information, classified in class 714, subclass 47.

2. Inventions of Group I (claims 1-28) and Group II (claims 29-53) are distinct from each other if they are shown to be separately usable. In the instant case, invention of group I has separate utility from the invention set forth in group II such as providing for the monitoring and recording of communications and further matching information and generating a triggered report in a particular format (context-insensitive) based on the context-sensitive data transmitted by the tool using a listening device. The Group II has a separate utility as described to provide for the migration of processes from control hosts (nodes) to distributed processors (nodes) further routing requests and further satisfying requests for otherwise not available tool status information. Therefore the inventions have different functions and are separately usable. See MPEP § 806.05(d) and 808.01.

Conclusion

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their classification and furthermore their different classification represent serious burden for examination due to the fact that the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper. See MPEP § 803.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rainier Suazo whose telephone number is (571) 272-3931 or (703) 305-3887. The examiner can normally be reached on Monday through Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925 or (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2144

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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